# BOMBAY REGULATION XXV OF 1827.[1]

[*1st January 1827.*]

Repealed in part, by Act 3 of 1858 ;
" " " " " 12 of 1873 ;
" " " " " 12 of 1876 ;
Amended, by Bom. 3 of 1886 ;
Supplemented, by Act 34 of 1850 ;
" " " 3 of 1858.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation for the confinement of State Prisoners and for the attachment of the lands of Chieftains and others for reasons of State.[2]

Premable:

WHEREAS [3][reasons connected with the maintenance of public order in a Province,] occasionally render it necessary to place under personal restraint indivíduals against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper ;

and whereas it is fit that, in every case of the nature herein referred to, the measures adopted should emanate immediately from the Governor in Council ;

and whereas [4][reasons of State] sometimes render it necessary that the estates and lands of zamindars, taluqdars and others [5]* * * * should be attached and placed under the temporary management of the Revenue-authorities, without having recourse to any judicial proceeding ;
the following rules have therefore been enacted [6]* * * * *.

## CHAPTER I.

### RULES FOR THE APPREHENSION AND CONFINEMENT OF INDIVIDUALS AS STATE PRISONERS.

Proceeding for placing persons under restraint as State prisoners.

1. *First.*—When [7][reasons connected with the maintenance of public order in the Province] may seem to the [8][Provincial Government] to require that an individual should be placed under restraint, without any immediate view to ulterior proceedings of a judicial nature, it shall be lawful for the [8][Provincial Government]

[1] Bom. Reg. 25 of 1827 was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay, except as regards the Scheduled Districts. It has been declared by notification under the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the Scheduled Districts, i.e. the villages belonging to the following Mehwassi Chiefs :—

(1) the Parvi of Kathi,
(2) the Parvi of Nal,
(3) the Parvi of Singpur,
(4) the Walvi of Gaohalli,
(5) the Wassawa of Chikhli, and
(6) the Parvi of Nawalpur.

*See* Appendix *infra*.

[2] For further provisions, *see* the State Prisoners Acts, 1850 (34 of 1850) and 1858 (3 of 1858).

[3] The words " reasons connected with the maintenance of public order in a Province " were substituted for the words " reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion " by the Adaptation of Indian Laws Order in Council.

[4] The words " reasons of State " were substituted for the words " the reasons above declared ", *ibid.*

[5] The words " situated within the zilas subordinate to Bombay " were omitted, *ibid.*

[6] The words " to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose " were repealed by the Repealing Act, 1873 (12 of 1873).

[7] The words " reasons connected with the maintenance of public order in the Province " were substituted for the words " any of the considerations stated in the preamble of this Regulation " by the Adaptation of Indian Laws Order in Council.

[8] The words " Provincial Government " were substituted for the words " Governor in Council ", *ibid.*

*provided always that, with reference to the individual, the measure shall not be in breach of British law*[1], to cause such individual to be apprehended in such manner as the [2][Provincial Government] may deem fit, and, when apprehended, to be delivered over to any officer in whose custody it may be deemed expedient that he shall be placed, with a warrant of commitment to such officer's address.

*Second.*—The warrant of commitment shall be in the form specified in Appendix A, and shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within [3][the Province]. Form and authority of warrant.

2. The [2][Provincial Government] shall fix such allowance for the support of the State prisoner as may seem to [4][it] expedient in reference to the prisoner's habits and rank in society, and shall specify at the same time through whose means it is to be paid and how it is to be applied. Allowance for support of State prisoner.

3. Every officer in whose custody any State prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the [2][Provincial Government] [5]* * * * * on the conduct, the health and the comfort of such State prisoner in order that the [2][Provincial Government] may determine whether the orders for his detention shall continue in force or shall be modified. Report to Government as to conduct, etc., of prisoner.

4. *First.*—[*Powers of Judge of Circuit.*] *Rep. Act XII of 1873.*

*Second.*—When any State prisoner is placed in the custody of any public officer not being a [6][District Magistrate] the [2][Provincial Government] shall instruct either the [6][District Magistrate,] [7]* * * * or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner. Prisoner in custody of officer other than District Magistrate by whom to be visited.

5. *First.*—Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the [2][Provincial Government], whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life. Report to Government as to confinement, etc., of prisoner.

*Second.*—The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the [2][Provincial Government]. Representations of prisoner to be submitted.

6. [*Persons already confined as State prisoners.*] *Rep. Act XII of 1876.*

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[1] So much of s. 1, clause *first*, as provides that, with reference to the individual, the apprehension and confinement therein referred to shall not be in breach of British law, was repealed by the State Prisoners Act, 1858 (3 of 1858), except so far as the said provision applies to European British subjects.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Province" were substituted for the words "the zilas subordinate to Bombay", *ibid.*

[4] The word "it" was substituted for the word "him", *ibid.*

[5] The words "through the Secretary to Government in the Political Department" were omitted, *ibid.*

[6] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[7] The words "or the Judge on circuit" were repealed by the Repealing Act, 1873 (12 of 1873).

## CHAPTER II.

### RULES FOR THE ATTACHMENT OF LANDS FOR REASONS OF STATE, AND FOR REMOVING SUCH ATTACHMENT.

Attachment of estates by order of Government without decision of Court.

**7.** Whenever the [1][Provincial Government] for [2][reasons of State] shall judge it necessary to attach the estates or land of any zamindar, jagirdar, taluqdar or other person without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential shall be communicated, [3]* * * * * to the Judge and the [4][District Magistrate] or other civil authorities of the district in which the lands or estates may be situated [5]* * * * *.

Management of attached lands.

**8.** *First.*—The lands or estates which may be temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjusted on the same principles, if consistent with the rights of others, as had been followed by the proprietor:

Provided, however, that any change may be introduced which the proprietor may desire, and which may not infringe on private rights, nor appear objectionable to the Collector; and annual accounts of the management of the lands attached shall be furnished to the proprietor.

Attached lands how saleable in execution. Income applicable to satisfaction of decrees.

*Second.*—Such lands or estates, while so under attachment, shall not be liable to be sold by process of law, or otherwise, without the mutual consent of Government and the proprietor; but the annual income or any portion of it may, if Government so direct, be applicable to the satisfaction of decrees of the Civil Court.

Rules as to cases where Government orders a release from attachment.

**9.** Whenever the [1][Provincial Government] shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estates which may have accumulated during the attachment.

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## CHAPTER III.[6]

### EXTENT OF THIS REGULATION.

Extent.

**10.** This Regulation extends to the whole of the Provinces of Bombay and Sind as constituted under the Government of India Act, 1935.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "reasons of State", were substituted for the words "reasons of the nature of those specified in the preamble to this Regulation", *ibid.*

[3] The words "under the hand of one of the Secretaries to Government" were omitted, *ibid.*

[4] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[5] The words "and to the Sudder Adawlut" were repealed by the Repealing Act, 1876 (12 of 1876).

[6] New Chapter III was inserted by the Adaptation of Indian Laws Order in Council.

## APPENDIX A.

TO THE (*here insert the officer's designation*).[1]

WHEREAS the Governor [2]* * * for good and sufficient reasons, has resolved that (*here insert the State prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*), you are hereby ordered, in pursuance of that resolution, to receive the person above-named into your custody, and to deal with him in conformity to the orders of the Governor [2]* * * and the provisions of Regulation XXV, A.D. 1827.

[3]* * * *

[1] As to direction of the warrant, *see* the State Prisoners Act, 1850 (34 of 1850), s. 1, as applied to Bombay by the State Prisoners Act, 1858 (3 of 1858), s. 3.

[2] The words "in Council" were omitted by the Adaptation of Indian Laws Order in Council.

[3] The words "By order of the Governor in Council etc." were omitted, *ibid.*